

From: Michael Poole
To: Microsoft ATR
Date: 1/23/02 7:51am
Subject: Microsoft Settlement

I would like to comment on the proposed Microsoft settlement, and how it fails address the monopoly abuses perpetrated over and over by Microsoft Corporation.

One of Microsoft's oldest tactics in its battle to thwart the government and bleed more money out of consumers is by changing its business just enough for old anti-trust remedies to no longer apply. The proposed settlement has several weaknesses that Microsoft could exploit in this way, many hinging on their (already announced) migration to the .NET platform.

For example, "Microsoft Middleware" is defined to exclude code that Microsoft ships as part of a "Windows Operating System Product" but which would otherwise fulfill the role of a current "Microsoft Middleware" product. Microsoft has announced that the .NET framework will be included in future versions of Windows, and that it is moving its applications to use .NET. The settlement appears to allow Microsoft all its old tricks with .NET.

Further, "Windows Operating System Product" is defined to only apply to code for "Personal Computers," and specifically includes server product lines, handheld computers, and set-top boxes (areas where Microsoft is currently expanding its reach -- for example, my Compaq iPAQ handheld runs Windows CE and cannot interoperate with Linux over USB because Windows CE uses a non-public communications interface; this would not stand if Microsoft were not the dominant desktop OS vendor). The settlement allows Microsoft to define what does and does not constitute a Windows Operating System Product.

There are many other flaws in the proposed settlement which allow Microsoft to aggressively exploit its monopoly position, to the harm of consumers and competitors alike. Others have pointed them out; I will omit them, to keep this letter brief.

Sincerely,
Michael Poole
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